

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ROBERT PEZZOLLA,

CIVIL ACTION NO. 2:17-cv-09035-CCC-MF

Plaintiff,

v.

DAVID SANDERS, A&S SERVICES
GROUP, L.L.C., GSH ENTERPRISES, INC.,
et als.

**AMENDED COMPLAINT; DEMAND
FOR JURY TRIAL; DESIGNATION OF
TRIAL COUNSEL**

Defendants.

The plaintiff, Robert Pezzolla, by and through his counsel, Brach Eichler LLC, for his Complaint against the defendants, states as follows:

PARTIES

1. At all times material hereto, plaintiff, Robert Pezzolla, was a resident of the State of New Jersey residing at 300 Winston Drive, Apt. 1806, Cliffside Park, Bergen County, New Jersey, 07010.
2. At all times material hereto, defendant, David Sanders, was a resident of the State of Pennsylvania residing at 7 Oriole Circle, Felton, Pennsylvania, 17322.
3. At all times material hereto, defendant, A&S Services Group, LLC, was an entity conducting business in the State of New Jersey with a principal place of business at 310 North Zarfoss Drive, York, Pennsylvania, 17404.
4. At all times material hereto, defendant, GSH Enterprises, Inc., was an entity conducting business in the State of New Jersey with a principal place of business at 3389 Lower Glades Road in York, Pennsylvania, 17406.

5. At all times material hereto, defendants, John Doe 1-5, were and/or are fictitiously named individuals, the identity, addresses and culpable conduct of said defendants being presently unknown. Said defendants owned, operated, maintained and or controlled their vehicles in such a negligent manner as to injure the plaintiffs. The plaintiffs reserve the right to amend this Complaint upon obtaining knowledge of the identity, addresses and culpable conduct of the defendants represented herein as John Doe 1-5.

6. At all times material hereto, defendants, XYZ Corporation 1-10, were and/or are fictitiously named partnerships, professional associations and/or professional corporations (hereinafter “partnerships”) which exist under the laws of the State of New Jersey, the identity, addresses and culpable conduct of said defendants being presently unknown. Said defendants owned, operated, maintained and or controlled their vehicles in such a negligent manner as to injure the plaintiffs. The plaintiffs reserve the right to amend this Complaint upon obtaining knowledge of the identity, addresses and culpable conduct of the defendants represented herein as XYZ Corporation 1-10.

7. All defendants acted by and through their respective agents, servants, employees, officers, directors or others, actual and/or apparent, any and all of which were then and there acting within the course and scope of their employment, duties or agency, actual and/or apparent.

FACTS COMMON TO ALL COUNTS

8. The plaintiff herein incorporates paragraphs 1 through 7 as though the same were set forth herein at length.

9. On or about November 16, 2016, plaintiff, Robert Pezzolla, was operating a motor vehicle traveling south on the New Jersey Turnpike at or around milepost 109.9 in Newark, New Jersey.

10. At the same time and place, defendant, David Sanders, was operating a commercial vehicle in the course of his employee with GSH Enterprises, Inc. and/or A & S Services Group, LLC,

and owned by defendant, GSH Enterprises, Inc. and/or A & S Services Group, LLC, traveling south on the New Jersey Turnpike at or around milepost 109.9 in Newark, New Jersey.

11. At the aforementioned time and place, the defendants had a duty to maintain, control, and operate their motor vehicles in a safe and prudent manner so as to not create an unreasonable and foreseeable risk of injury to others.

FIRST COUNT

12. The plaintiff herein incorporates paragraphs 1 through 11 as though the same were set forth herein at length.

13. At the above time and place, the defendants, GSH Enterprises, Inc. and/or A & S Services Group, LLC, so carelessly, negligently and recklessly operated, maintained or repaired their vehicles so as to cause a collision with the plaintiff's vehicle.

14. At the same time and place, defendants, John Doe 1-5 (fictitious designations) and XYZ Corporation 1-10 (fictitious designations), and any or all of the aforementioned defendants' agents, servants, and/or employees, so carelessly, negligently and recklessly operated, maintained or repaired said vehicle so as to cause the within collision.

15. As a result of the individual, joint and/or several tortious conduct of the various defendants as set forth above, plaintiff, Robert Pezzolla, was caused to sustain multiple and severe injuries to his person.

16. As a further result of the individual, joint and/or several tortious conduct of the various defendants as set forth above and by reason of the injuries sustained, plaintiff, Robert Pezzolla, has in the past and will in the future be obliged to receive and undergo medical attention and care and to expend various sums of money and/or to incur various expenses for care and treatment of the injuries he has suffered, all to his great detriment and loss.

17. As a further result of the individual, joint and/or several tortious conduct of the various defendants as set forth above and by reason of the injuries sustained, plaintiff, Robert Pezzolla, has sustained an impairment of his earning capacity and power, all to his great detriment and loss.

18. As a further result of the individual, joint and/or several tortious conduct of the various defendants as set forth above and by reason of the injuries sustained, plaintiff, Robert Pezzolla, has in the past incurred and will in the future continue to incur other financial losses or expenses, all to his great detriment and loss.

19. As a further result of the individual, joint and/or several tortious conduct of the various defendants as set forth above and by reason of the injuries sustained, plaintiff, Robert Pezzolla, has in the past suffered and will in the future continue to suffer great pain, suffering, agony, and mental anguish, all to his great detriment and loss.

20. As a further result of the individual, joint and/or several tortious conduct of the various defendants as set forth above and by reason of the injuries sustained, plaintiff, Robert Pezzolla, has in the past and will in the future be hindered from attending to his daily duties, functions and occupation, all to his great detriment and loss.

WHEREFORE, plaintiff, Robert Pezzolla, demands judgment against the defendants individually, jointly, severally, and/or in the alternative, for damages, interest, attorney's fees, costs of suit, and such other relief as the Court may deem proper.

Respectfully submitted,

BRACH EICHLER, L.L.C.

BY:



EDWARD P. CAPOZZI, ESQUIRE
Attorney for Plaintiff

Dated: April 13, 2018

DEMAND FOR TRIAL BY JURY

Plaintiffs hereby demand a trial by jury as to all issues.

BRACH EICHLER, L.L.C.

BY:


EDWARD P. CAPOZZI, ESQUIRE
Attorney for Plaintiff

Dated: April 13, 2018

DESIGNATION OF TRIAL COUNSEL

Edward P. Capozzi, Esquire, is hereby designated as trial counsel on behalf of plaintiff.

BRACH EICHLER, L.L.C.

BY:


EDWARD P. CAPOZZI, ESQUIRE
Attorney for Plaintiff

Dated: April 13, 2018

CERTIFICATION

I, Edward P. Capozzi, Esquire, hereby certify that the facts contained in the within matter are not subject of any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge or belief. Further, other than the parties set forth in this pleading, I know of no other parties that should be joined in the above action. I also certify that the facts contained in the within matter are true and correct to the best of my knowledge and belief. If any of the statements made by me are willfully false, I am subject to punishment.

BRACH EICHLER, L.L.C.

BY:


EDWARD P. CAPOZZI, ESQUIRE
Attorney for Plaintiffs

Dated: April 13, 2018

STATEMENT OF DAMAGES

Plaintiff requests damages in the amount of \$3,000,000.00 (Three-Million Dollars) with respect to the above-captioned case.

BRACH EICHLER, L.L.C.

BY:



EDWARD P. CAPOZZI, ESQUIRE
Attorney for Plaintiff

Dated: April 13, 2018